IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 122 OF 2005
IN
WRIT PETITION NO. 1397 OF 2000

Shri Vishwas Shantaram Walanj.. .... Petitioner
V/s
The State of Maharashtra & Ors. .... Respondents

Mr.Madhav Jamdar with Mr.H.P.Ghadigaonkar, adv. for the petitioner.

Ms.M.P. Thakur, AGP for the State.

CORAM: V.G. PALSHIKAR

AND

D.B. BHOSALE, JJ.

11.10.2005.

PC:

By this petition the petitioner seeks review of the order passed by this Court in Writ Petition No.1397 of 2000. The order of which review/recalling is sought reads thus:

"This petition disposed of in view of earlier order passed by this Court."

2. The earlier order was passed by this Court on 3.12.2002 wherein what was pending before this Court in this Writ Petition No.1397 of 2000 was considered. The original petition No.1397 of 2000 prayed for declaration that the practice which is followed in the State which takes place during holly festival is unconstitutional.

3. The review is sought basically on the ground that on 5.8.2003 when the petitioner was not represented, matter was brought before the Court by means of other than normal and therefore the order is required to be reviewed.

4. We have already pointed out the main prayer in writ petition No.1397 of 2000 which is disposed of by an order of which review is sought. The whole dispute brought before this Court year after year pertains to performing of pooja and other rituals on the holy festival every year, right being claimed by rival factions. Earlier also certain petitions were entertained and interim orders passed. It was therefore noticed that such petitions for a claim which is not tenable in writ jurisdiction need not be often entertained. Therefore considering the earlier orders we disposed of this petition. There is nothing in respect of writ petition which would require reconsideration of orders so passed. Right to perform pooja and other rituals in the Shimga festival is recurring right. Performance of pooja in individual manner is another individual right for which such writ petition was filed and was disposed of by us by order on 5.8.2003. In our opinion, no injury of any kind is caused to the petitioner which would require review of the order passed earlier. Taking into consideration all these facts we see no reason to entertain review petition. Hence review petition is rejected.

5. After the above order was dictated learned counsel appearing on behalf of the petitioner requests that his right being recurring in nature

liberty be given to him to file fresh petition if and when required. We have already observed that the right is recurring therefore there is no question of granting any such prayer. Prayer rejected.